

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARETHA BRAZIEL, *et al.*,

Plaintiffs,

v.

GOVERNOR GRETCHEN WHITMER, *et al.*,

Defendants.

Case No. 1:21-cv-960

Hon. Hala Y. Jarbou

Mag Judge. Phillip J. Green

**DEFENDANTS THE CITY OF BENTON HARBOR, MARCUS MUHAMMAD, AND
MICHAEL O'MALLEY'S NOTICE OF NONPARTY AT FAULT**

Defendants The City of Benton Harbor, Marcus Muhammed, and Michael O'Malley ("Defendants"), by their undersigned counsel, hereby provide notice pursuant to Mich. Ct. R. 2.112(K)(3) that the following nonparties may be wholly or partially at fault for Plaintiffs' claims:

1. Ernest Sarkipato, Surface Water Treatment Specialist, EGLE.
 - a. 525 West Allegan Street, P.O. Box 30473, Lansing, MI 48909-7973.
 - b. Made decisions and statements that concealed and prolonged the alleged public health crisis.
2. Brandon Onan, Lead and Copper Unit Supervisor, EGLE.
 - a. 525 West Allegan Street, P.O. Box 30473, Lansing, MI 48909-7973.
 - b. Made decisions and statements that concealed and prolonged the alleged public health crisis.
3. United States Environmental Protection Agency.
 - a. 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

- b. Made decisions and statements that concealed and prolonged the alleged public health crisis.
- 4. Michael S. Regan, Administrator, EPA.
 - a. 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.
 - b. Made decisions and statements that concealed and prolonged the alleged public health crisis.
- 5. Debra E. Shore, Region 5 Administrator, EPA.
 - a. 77 West Jackson Boulevard, Chicago, IL 60604.
 - b. Made decisions and statements that concealed and prolonged the alleged public health crisis.

Respectfully submitted,

BODMAN PLC

By: /s/ Thomas J. Rheaume, Jr.

Thomas J. Rheaume, Jr. (P74422)

Alexandra C. Markel (P81705)

Walter G. Pelton (P84442)

6th Floor at Ford Field

1901 Saint Antoine Street

Detroit, Michigan 48226

313-259-7777

trheaume@bodmanlaw.com

amarkel@bodmanlaw.com

wpelton@bodmanlaw.com

*Attorneys for Defendants City of Benton
Harbor, Marcus Muhammad and Michael
O'Malley*

Dated: January 29, 2024

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2024, the foregoing document was filed with the Clerk of the Court via the Court's CM/ECF electronic filing system which will give notice of such filing to all parties via their counsel of record.

BODMAN PLC

By: /s/ Thomas J. Rheaume, Jr.

Thomas J. Rheaume, Jr. (P74422)

Alexandra C. Markel (P81705)

trheaume@bodmanlaw.com

amarkel@bodmanlaw.com

*Attorneys for Defendants City of Benton
Harbor, Marcus Muhammad, and Michael
O'Malley*